

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**KELLY M. CRAWFORD, IN HIS
CAPACITY AS RECEIVER,**

Plaintiff,

v.

DAVID BLEEDEN, *et al.*,

Defendants.

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Civil Action No. 3:21-CV-2181-X

**PLAINTIFF’S MOTION TO DISMISS WITHOUT PREJUDICE
CLAIMS AGAINST BROCK BOWERS**

COMES NOW Kelly Crawford in his capacity as court-appointed Receiver for TMTE, Inc., et al., (“Plaintiff”), and hereby files this, his Plaintiff’s Motion to Dismiss Without Prejudice Claims Against Brock Bowers dba BA Bowers LLC (“Motion”), and would respectfully show the Court the following:

1. On September 27, 2022, Plaintiff filed his Complaint against certain defendants including, but not limited to, Brock Bowers dba BA Bowers LLC (“Defendant”).
2. On April 27, 2023, Defendant Bowers filed a voluntary petition for relief under Chapter 7 of Title 11 of the U.S. Code in the Central District of California initiating a case styled *In re Brock Anthony Bowers*, under Case No. 1:23-bk-10563-VK (“Brock Bankruptcy Case”) which was effectively noticed as a no asset case. *See* Brock Bankruptcy Case, D.E.5

3. Plaintiff therefore seeks to dismiss his claims asserted in the Complaint against Defendant without prejudice.¹

WHEREFORE ALL PREMISES CONSIDERED, Plaintiff requests that the Court grant this Motion and afford Plaintiff such other and further relief as to which the Plaintiff may show himself to be justly entitled.

Dated: June 26, 2023

Respectfully submitted,

SCHEEF & STONE, LLC

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***Attorney for Plaintiff Kelly Crawford,
In his Capacity As Receiver***

¹ Dismissal of a defendant/debtor from a lawsuit does not violate the automatic stay. See e.g., *Dean v. Trans World Airlines, Inc.*, 72 F.3d 754 (9th Cir. 1995) (finding dismissal of debtor does not violate automatic stay as long as it is not at odds with Section 362 intent of relieving debtor from financial pressures and protecting creditors to ensure equitable payment of claims); *Independent Union of Flight Attendants v. Pan Am. World Airways, Inc.*, 966 F.2d 457, 459 (9th Cir. 1992) (holding dismissal is not precluded by bankruptcy stay); *Dennis v. A.H. Robins Co.*, 860 F.2d 871, 872 (8th Cir. 1988) (dismissal does not violate bankruptcy stay purpose); *Chase Manhattan Bank, N.A. v. Celotex Corp.*, 852 F. Supp. 226, 228 (S.D.N.Y. 1994) (dismissal of defendant/debtor from a case assists as opposed to interferes with Chapter 11 goal).

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 26, 2023, I electronically filed the foregoing document with the clerk of the U.S. District Court, Northern District of Texas, using the electronic case filing system. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record. I also caused a copy of the foregoing document to be mailed via U.S. First Class Mail and/or via e-mail to Defendant as follows:

Brock Bowers
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/s/ Peter Lewis
PETER LEWIS